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MAY 17 2006

OFFICE OF PETITIONS

In re Application of :
Ralph Alderson et al :
Application No. 09/499,468 : DECISION DISMISSING PETITION
Filed: February 7, 2000 : UNDER 37 CFR 1.313(a)
Attorney Docket No. PF112U1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 15, 2006, which is being treated as a petition under 37 CFR 1.313(a) requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.


A review of the file record discloses that a Notice of Allowance was mailed on February 8, 2006, with the issue fee being due on or before May 8, 2006. The issue fee in this case has not been paid. The record further discloses that a Request for Continued Examination (RCE) under the provisions of 37 CFR 1.114 and Information Disclosure Statement (IDS) were filed on April 26, 2006, which date is prior to the due date for payment of the issue fee.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission (in this case, the IDS) will effectively withdraw an application from issue prior to the due date for payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

No fee has been assessed to the instant petition under 37 CFR 1.313.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

The matter is being referred to Technology Center AU 1647 for appropriate processing of the RCE filed April 26, 2006, and for consideration of the concurrently filed IDS.


Frances Hicks
Petitions Examiner
Office of Petitions